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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,694	10/17/2000	Christopher R Lefebvre	47004.000062	2049

21967 7590 04/17/2006

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EXAMINER

BOVEJA, NAMRATA

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/688,694	LEFEBVRE ET AL.	
	Examiner	Art Unit	
	Namrata Boveja	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19,21-29 and 31-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19,21-29 and 31-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to communication filed on 01/12/2006.
2. Claims 1-18, 20, and 30 have been cancelled by the Applicant. Claims 19, 21-29, and 31-38 are presented for examination.

Response to Arguments

3. After careful review of Applicant's remarks/arguments filed on 01/12/2006, the Applicant's arguments with respect to claims 19, 21-29, and 31-38 have been fully considered but are moot in view of the new ground(s) of rejection. Amendments to the claims have both been entered and considered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 19, 22-29, and 32-38 are rejected under 102(b) as being anticipated by McCausland et al. (Patent Number 5,822,410 hereinafter McCausland).

In reference to claims 19, McCausland teaches a computer implemented method (i.e. a churn amelioration method) and system for providing one or more tailored incentives to a customer in response to a customer request (i.e. reactive), the computer implemented method and system comprising the steps of: receiving a request from a customer (i.e. a customer initiated reactive request) wherein the request is received by a provider or provider representative (i.e. ORU) (abstract, col. 3 lines 62-65, col. 11

lines 40-46, col. 14 lines 1-6, col. 15 lines 1-4, and Figure 7), retrieving account data associated with the customer in response to the request where the account data is displayed on a graphical user interface (col. 3 lines 66 to col. 4 lines 49, col. 13 lines 15-29, and Figures 1 and 11), wherein the account data is verified for the customer (col. 5 lines 49-54 and col. 11 lines 40-51), identifying the request as a request type, at a type module, where the request type identifies the customer's current situation (col. 4 lines 17-22, col. 8 lines 49 to col. 54, Table 2, and Figure 11); identifying the customer as a customer segment (i.e. based on a vulnerability factor), at a customer segment module, where the customer segment identifies the customer's past behavior (col. 4 lines 17-33, col. 5 lines 55-col. 7 lines 20, col. 13 lines 15-29, and Figure 11), identifying one or more incentives at an incentive module based on the request type (i.e. problem type) at the customer segment and one or more profitability factors (i.e. customer worth or value) associated with the provider of the one or more incentives, and offering the customer at least one of the identified one or more incentives for retaining the customer in response to the request (col. 13 lines 15-29 and 53-67, Table 1, and Figures 11 and 12), wherein the request is a request to terminate a relationship with the provider (i.e. contract end is one of the problem factors for which customers call ORU's) (col. 8 lines 49 to col. 9 lines 54, col. 13 lines 15-29, col. 14 lines 44 to col.15 lines 4, Table 2, and Figure 11).

5. In reference to claims 29, McCausland teaches a computer-implemented system (i.e. a churn amelioration system) for providing one or more tailored incentives to a customer in response to a customer request (i.e. reactive), the computer implemented

system comprising: a graphical user interface that displays account data associated with a customer (Figure 11), in response to a request from a customer (i.e. a customer initiated reactive request), wherein the request is received by a provider or provider representative (i.e. ORU) (abstract, col. 3 lines 62-65, col. 11 lines 40-46, col. 14 lines 1-6, col. 15 lines 1-4, and Figure 7) and wherein the account data is verified for the customer (col. 5 lines 49-54 and col. 11 lines 40-51), a type module for identifying the request as a request type, where the request type identifies the customer's current situation (col. 4 lines 17-22, col. 8 lines 49 to col. 54, Table 2, and Figure 11), a customer segmentation module for identifying the customer as a customer segment (i.e. based on a vulnerability factor), where the customer segment identifies the customer's past behavior (col. 4 lines 17-33, col. 5 lines 55-col. 7 lines 20, col. 13 lines 15-29, and Figure 11), and an incentive module for identifying one or more incentives based on the request type (i.e. problem type), the customer segment and one or more profitability factors (i.e. customer worth or value) associated with a the provider of the one or more incentives and wherein the customer is offered at least one of the identified one or more incentives for retaining the customer in response to the request (col. 13 lines 15-29 and 53-67, Table 1, and Figures 11 and 12), wherein the request is a request to terminate a relationship with the provider (i.e. contract end is one of the problem factors for which customers call ORU's) (col. 8 lines 49 to col. 9 lines 54, col. 13 lines 15-29, col. 14 lines 44 to col.15 lines 4, Table 2, and Figure 11).

6. In response to claims 22 and 32, McCausland teaches the method and system wherein the step of identifying the customer as a customer segment, further comprises

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the step of: assigning a value (i.e. a customer worth and value) to the customer based on at least one of customer payment history (i.e. non-payment indicator), customer payment habit (i.e. past due amount and days), customer behavior data (i.e. past due amount and days and non-payment indicator) and credit bureau score (i.e. customer worth factors) (col. 9 lines 59 to col. 10 lines 35, col. 12 lines 16-25, Table 3, and Figures 6 and 11).

7. In response to claims 23 and 33, McCausland teaches the method and system wherein the step of identifying the customer as a customer segment, further comprises the step of: considering information related to at least one of customer delinquency (i.e. a debt on which payment is overdue as indicated by past due amount and days and a non-payment indicator) (col. 9 lines 61 to col. 10 lines 2 and Table 3) data and customer attrition data.

8. In response to claims 24 and 34, McCausland teaches the method and system further comprising the step of: offering the customer another one (i.e. multiple offers may be presented) of the identified one or more incentives for retaining the customer in response to the request (col. 13 lines 15-29 and 53- to col. 14 lines 14, and Figures 11 and 12).

9. In response to claims 25 and 35, McCausland teaches the method and system wherein the step of identifying one or more incentives further comprises the step of: applying one or more restrictions on the one or more incentives based on the one or more profitability factors (i.e. selected offers are presented based on the value

associated with the customer and more lucrative offers are presented to more valuable customers) (abstract, col. 13 lines 53 to col. 14 lines 14, and Figure 12).

10. In response to claims 26 and 36, McCausland teaches the method and system wherein the request comprises one or more of a telephone call (i.e. either the customer calls or the ORU proactively calls the customer) (col. 3 lines 60-65, col. 11 lines 42-44, and col. 14 lines 3-6) and Internet communication.

11. In response to claims 27 and 37, McCausland teaches the method and system wherein the one or more profitability factors comprise one or more of customer payment delinquency (i.e. a debt on which payment is overdue as indicated by past due amount and days) (col. 9 lines 61 to col. 10 lines 2 and Table 3) and customer ability to pay (i.e. non-payment indicator) (Table 3).

12. In response to claims 28 and 38, McCausland teaches the method and system wherein the step of identifying the request further comprising the step of: identifying a product associated with the customer (i.e. the handset of the cellular phone) (col. 5 lines 40-54 and col. 11 lines 44-51), wherein the one or more incentives comprises an adjustment to the product (i.e. an adjustment to the cellular phone unit or an adjustment to the offer based on the value of the customer) (abstract, col. 9 lines 16-22, col. 13 lines 53 to col. 14 lines 14, and Figure 12).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 21 and 31 are rejected under U.S.C. 103(a) as being unpatentable over McCausland in view of the article titled "Forging a Link Between Retention and Profits" by Steve Gasner, published in *Credit Card Management* in April 1992 in volume 5, issue 1, and page 84 (hereinafter Gasner).

In response to claims 21 and 31, McCausland does not teach the method and system wherein the one or more incentives comprise a product offered by a financial institution. Gasner teaches the customer retention method wherein the one or more incentives comprise a product offered by a financial institution (page 3 lines 18-21). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify McCausland to include providing products offered by a financial institution as retention incentives if McCausland's method was implemented to solve the retention problem for a financial services company instead of a cellular company, since at that time, financial services incentives would be more valuable retention tools to those customers rather than cellular services related incentives.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

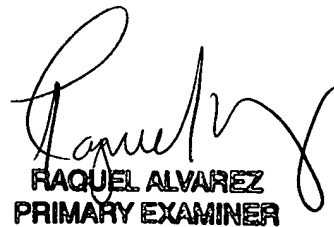
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namrata (Pinky) Boveja whose telephone number is 571-272-8105. The examiner can normally be reached on Mon-Fri, 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The **FAX** number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 1866-217-9197 (toll-free).

NB

April 13th, 2006


RAQUEL ALVAREZ
PRIMARY EXAMINER